IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

RAYMAN HOWARD	§	
VS.	§	CIVIL ACTION NO. 1:09CV396
BRAD LIVINGSTON, ET AL	8	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Rayman Howard, an inmate formerly confined at the Larry Gist Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed by either party.¹

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations So **ORDERED** and **SIGNED** this **29** day of **July**, **2011**.

Ron Clark, United States District Judge

¹The copy of the Report and Recommendation mailed to plaintiff was returned on May 31, 2011, indicating plaintiff was discharged. Plaintiff failed to notify the Court of his discharge and failed to update the Court with a new mailing address.